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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACKSON, DANIELLE

ART UNIT PAPER NUMBER

3636

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/799,469

Applicant(s)

DOOLEY, DAVID L.

Examiner

Danielle Jackson

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 43 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 5/10/06.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show plastic bags 309 and single-use medication dispenser 800 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "319" has been used to designate both the concave reflecting surface and the element labeled 319 on the lower portion of FIG. 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: (page 10-11, paragraph 34) Reference character 602 is assigned to designate both the "lower portion" of trekking staff 600 and the chamber located in 601. It is suggested one of the elements be assigned a new reference character. Also, if any amendments are made with regards to the reference characters in the specification, those changes must be supported by the drawings to avoid future drawing objections.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 37-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 37 recites the limitation "the solid shaft portion" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 6, 7, 12, 17, 18, 20, 23 and 28 are rejected under 35

U.S.C. 102(b) as being anticipated by Thorn (CA-2,279,597).

Claim 1: Thorn discloses a trekking staff comprising: a solid shaft portion (38) having a first end (the end located near 14 in FIG.1 ) and a second end (the end on which cap 44 is located); and a hollow elongated chamber portion (10, 20) comprising a first end (12) and a second end (14), the second end of the hollow chamber being detachably coupled to the first end of the solid shaft portion.

Claims 6 and 7: Thorn teaches a grip portion that conforms to the shape of the trekking staff (38 has a textured grip; page 4, lines 18-19).

Claims 17, 18 and 20: Thorn teaches a tapering detachable tip portion (24) that is coupled to the shaft, wherein the cross-section of the tip portion is round. Thorn further teaches the tip portion to have an aperture (30) sized to receive a cord-like material (32; page 4, lines 9-11).

Claims 12, 23 and 28: Thorn teaches the hollow elongated chamber portion (20) to contain survival gear, such as a first aid kit and a flashlight/light emitting device (page 3, lines 20-24).

8. Claims 1, 6, 7, 12, 17, 18, 23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Grassi (US-2002/0116768 A1).

Claim 1: Grassi discloses a trekking staff comprising: solid shaft portion (46) having a first end (the end coupled to element 27) and a second end (the end coupled to element 23); and a hollow elongated chamber portion (72, 74) comprising a first end (coupled to element 36) and a second end (coupled to element 27), the second end of the hollow chamber being detachably coupled to the first end of the solid shaft portion via element 27.

Claims 6 and 7: Grassi teaches a grip portion (36) that conforms to the shape of the trekking staff.

Claim 12: Grassi teaches the trekking staff to include a light emitting device, such a strobe light (27; paragraph 43).

Claims 17 and 18: Grassi teaches a tapering detachable tip portion (20) that is coupled to the shaft, wherein the cross-section of the tip portion is round.

Claims 23 and 28: Grassi teaches the hollow elongated chamber portion (72, 74) to contain survival gear, such as a first aid kit (paragraph 47).

9. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Davis (US-6,745,786 B1).

Davis discloses a trekking staff comprising: a shaft portion (26) having a first end (coupled to 20) and a second end (the end having element 42 attached thereto); and a hollow elongated chamber portion (20) having a first end (coupled to 24) and second end (coupled to 26), the hollow chamber portion containing an audio reproduction device (50).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Morosini et al. (US-6,772,778 B2).

Claims 2-5: Thorn teaches the hollow elongated chamber portion as having survival equipment but does not specifically disclose a direction finding device. Morosini et al. discloses a trekking staff including a compass (210; column 4, lines 1-4). Morosini et al. is silent on whether the compass is mechanical or electronic, however it would have been obvious to have either type of compass as both are well-known. Morosini et al. further includes a carrier located on the shaft that can hold a GPS system (column 4, lines 61-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include a compass or GPS system in the hollow chamber portion, as suggested by Morosini et al., so that one using the trekking staff may have a way of locating safety in case of emergency or if one gets lost.

Claim 22: Thorn lacks the hollow elongated chamber portion as having a water collection system. Morosini et al. discloses a trekking staff wherein a water collection system, such as water bottle, can be attached to the staff (column 5, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include a water collection system,

such as the one suggested by Morosini et al., so that one using the trekking staff can stay hydrated.

12. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Folise (US-D448,152 S).

Thorn teaches a grip portion, but lacks the grip portion comprising a strand of cord-like material. Folise shows a trekking staff having a grip portion comprised of a strand of cord-like material, wherein the strand is wrapped around the spool-shaped grip portion. Folise shows the strand of cord-like material as forming loops that wrap around the grip portion, wherein the loops are adjustable in size given that cord-like material can be adjusted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to use cord-like material to wrap around the grip portion, as suggested by Folise, to provide a cheap, replaceable alternative to having a rubber grip portion.

13. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Own (US-5,667,293).

Thorn teaches the trekking device to include a light emitting device, but lacks the device having a plurality of colors and the ability to be constant or flashing. Own teaches a flashlight, wherein one can selectively control whether the light emitted is constant or flashing (column 5, lines 46-49). Own further teaches the flashlight to emit a plurality of colors (column 1, lines 35-37), wherein the color emitted can be selected (column 1, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include a light emitting device that has the features suggested in Own in order to provide a light emitting device with many purposes that may increase the range of light emitted.



14. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grassi (US-2002/0116768 A1) in view of Own (US-5,667,293).

Grassi teaches a trekking staff with a light emitting device, specifically a strobe light for use in emergencies, where it can use Morse code to signal help (paragraph 43). However, Grassi lacks the strobe light as being able to be emit constant light. Own teaches a light emitting device that can emit light at a constant rate or at a flashing rate (column 5, lines 46-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light emitting device of Grassi to have a constant stream of light, as suggested by Own, so that one could use the light emitting device for purposes other than emergencies, such as in the dark.

15. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) alone.

Thorn teaches the tip portion to have a round cross-sectional shape, however it is well within the skill level of one with ordinary skill to change the shape of the tip so the tip portion can be used on different terrains.

16. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Harper (US-7,163,101 B2).

Thorn teaches a first aid kit located in the hollow elongated chamber portion, however Thorn does not specifically disclose the dispensing method of the contents on the kit. Harper teaches a single-use medication dispenser comprising: a reservoir containing a single-use portion of liquid; and a tearable opening through which the liquid material is dispensed (column 8, lines 53-57). Harper further teaches the liquid can be many various types of medication, including a liquid-type bandage material and an antiseptic (column 7, lines 58-

60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include a single-use medication dispenser such as the one taught by Harper so that one has a convenient way of carrying a small dosage of necessary elements in case of an emergency.

17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Kelley (US-2002/0104560 A1).

Thorn lacks a water purification system. Kelley discloses a trekking staff that has a hollow chamber that can hold water purification tablets (paragraph 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include water purification tablets, as suggested by Kelley so that one has a way to purify water in an emergency.

18. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Ellis (US-5,973,618).

Thorn lacks a communication device. Ellis discloses a walking stick that has a communication device (36) comprising a communication receiver (148), a transmitter (146), a voice communication (72), and a bidirectional communication device (154; column 18, lines 52-57), wherein the transmitter transmits a homing signal and positional information of the stick (column 18, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include a communication device, as suggested by Ellis, so that the one using the trekking staff could be found if lost.

19. Claim 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorn (CA-2,279,597) in view of Davis (US-6,745,786 B1).

Claims 36-39: Thorn discloses a trekking staff comprising: a shaft portion (38) having a first end (the end located near 14 in FIG.1 ) and a second end (the

end on which cap 44 is located); and a hollow elongated chamber portion (10, 20) comprising a first end (12) and a second end (14), the second end of the hollow chamber being detachably coupled to the first end of the solid shaft portion. However, Thorn lacks an audio reproduction device. Davis teaches a walking stick with an audio reproduction device (50), which can include musical output (column 4, lines 39-45). It would have been obvious to one of ordinary skill to specifically include an MP3 player or a tape player. It also would of been obvious to one of ordinary skill in the art at the time the invention was made to modify Thorn to include an audio reproduction device, as suggested by Davis, for entertainment purposes.


Claims 40-41: Thorn shows a stick wherein the shaft portion is solid, however it would have been obvious to one of ordinary skill to make the shaft a tubular shaft, as in Davis, so as to reduce production costs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle Jackson whose telephone number is (571) 272-2268. The examiner can normally be reached on Monday through Friday 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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